

PUBLIC HEARING--Sept. 30, 1964

Appeals #7935 and #7936 J. O. Hartman, Inc. and Hartman Bros. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on October 7, 1964:

ORDERED:

That the appeal for a variance from the rear yard requirements of the C-M-1 District to permit a second story addition to the existing one-story portion of building at 1340-44 - 4th St. N.E., parcels 129/89 and 129/90, near square 3587, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot, which has a frontage of sixty feet on 4th Street and a depth of 119.5 feet, abuts the yards of the Pennsylvania Railroad in the rear.

(2) Appellant proposes to erect a second story addition to this building 11 feet 6 inches in height which will cover the entire existing first floor.

(3) Section 6302.3 of the Zoning Regulations states that the minimum depth of such rear yard shall be 2-1/2 inches per foot of vertical distance from the mean finished grade of the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. This would require appellant to provide a rear yard of 12 feet depth above the twenty foot height of the building, the building being 24.5 feet in height.

(4) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the regulations and that the requirement for a setback of 12 feet in depth for a height of 4-1/2 feet at the top level of the second floor, would serve no useful purpose as the rear of this building abuts the right-of-way of the Pennsylvania Railroad yards, and therefore will not affect adversely conditions of light and air to any buildings.

In view of the above the Board is of the opinion that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and maps.